

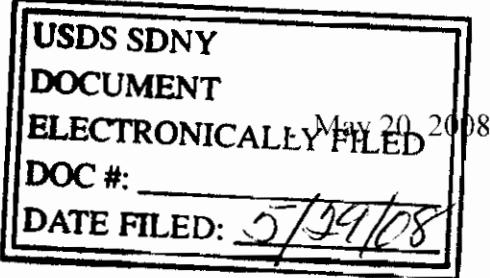
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MEMO ENDORSED

Of Counsel:
Debra S. Reiser

By Regular Mail
By Facsimile: (212) 805-7390
Magistrate Judge James C. Francis
United States Courthouse
500 Pearl St., Room 1960
New York, NY 10007



RE: Michael Grecco v. Everett Collection
Index No.: 1:07-cv-08171

Dear Hon Judge Francis:

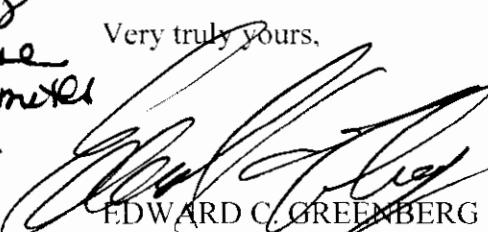
We represent the plaintiff, professional photographer Michael Grecco, in the above captioned action. We appeared before your Honor for a settlement conference on February 22, 2008.

We have made numerous attempts to schedule the deposition of the defendants in this matter, as evidenced by the emails between counsel annexed hereto. We have also, despite never being noticed, offered up Mr. Grecco, a California resident, to be deposed by the plaintiff in New York. Despite these attempts, defendants have taken no action.

We have made every possible attempt to obviate motion practice in this matter but find ourselves at a standstill. Due to the current posture of the defendants we have been unable to move the case forward. Having exhausted our good faith efforts to advance this litigation, we seek the permission of your Honor to make the appropriate motion.

5/29/08
The discovery deadline in this case
passed before any discovery disputes
were raised with the Court. I
am unable to extend the
discovery deadline. See ¶ 8 of Judge McMahon's Nov. 16, 2007 Order.
If and when Judge McMahon extends the deadline, I
will consider the substance
of the issues raised.

Cc: Toby Butterfield

Very truly yours,

EDWARD C. GREENBERG

James C. Francis IV
USM J